

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ARTHUR J. BREWER,

Case No. 2:20-cv-00991-KJD-EJY

Petitioner,

v.

ORDERWARDEN CALVIN JOHNSON, *et al.*,

Respondents.

Petitioner Arthur J. Brewer filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 challenging a conviction in Nevada’s Eighth Judicial District, Court Clark County, Nevada. (ECF Nos. 1-1; 33; 38-21.) Respondents have filed a suggestion of death indicating that Brewer died on July 26, 2022. (ECF No. 59.) The Nevada Department of Corrections’ (“NDOC”) online records¹ confirm Brewer is now deceased.

The Court may entertain a state prisoner’s petition for writ of habeas corpus only on the ground that he is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). A petitioner’s death renders the habeas petition moot. *See Dove v. United States*, 423 U.S. 325, 325 (1976) (per curiam) (dismissing petition for a writ of certiorari from appellate decision in criminal proceedings upon petitioner’s death); *Farmer v. McDaniel*, 692 F.3d 1052 (9th Cir. 2012) (upon notice of petitioner’s death, appeal dismissed as moot and case remanded to district court to dismiss habeas petition as moot); *Garceau v. Woodford*, 399 F.3d 1101 (9th Cir. 2005) (“Because petitioner’s death renders this case moot, the petition for a writ of habeas corpus should be dismissed as moot.”); *Griffey v. Lindsey*, 349 F.3d 1157 (9th Cir. 2003) (same).

Brewer’s death constitutes an end to his detention. Thus, this action no longer presents a live case or controversy. Accordingly, Brewer’s petition challenging his alleged unconstitutional

¹ <https://ofdsearch.doc.nv.gov/>

1 confinement is now moot.

2 **IT IS THEREFORE ORDERED** that Brewer's First Amended Petition for Writ of
3 Habeas Corpus (ECF No. 33) is DISMISSED WITHOUT PREJUDICE as moot, on account of
4 Brewer's death.

5 **IT IS FURTHER ORDERED** that the Clerk of the Court is instructed to CLOSE THIS
6 CASE and ENTER JUDGMENT accordingly.

7 DATED: September 23, 2022

8 

9 _____
10 KENT J. DAWSON
11 UNITED STATES DISTRICT JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28